

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-CR-00254-RJC-DSC

USA)
)
v.) ORDER
)
CARLTON CALVIN WILSON)
)

THIS MATTER comes before the Court upon the defendant's motion, (Doc. No. 59), to consider a previously filed motion for extension of time, (Doc. No. 55), as a motion to vacate under 28 U.S.C. § 2255.

In the previous deadline-extension motion filed on April 17, 2019, the defendant alleged circumstances inhibiting his filing of a motion to vacate. (Doc. No. 55 at 1). However, the motion alleged no grounds for relief from his conviction or sentence, stated no supporting facts, and was not signed under penalty of perjury as required by Rule 2 of the Rules Governing § 2255 Proceedings. Accordingly, the Court will deny the defendant's request to consider that motion to extend as a motion to vacate.¹

The defendant also requests 60 days to amend the April 17 motion. (Doc. No. 59 at 1). Since the motion to extend will not serve as a motion to vacate, and the Court has already denied it on its merits, (Doc. No. 56: Order), the request to amend that pleading will be denied as moot.

¹ Any concerns the defendant had about the timeliness of the motion to vacate that he declares was submitted to the prison mailing system on June 12, 2019, (Doc. No. 60), could have been addressed at Paragraph 18 on the standard form, which he left blank.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 59), to consider a previously filed motion for extension of time, (Doc. No. 55), as a motion to vacate under § 2255 is **DENIED**.

IT IS FURTHER ORDERED that the included motion to amend the motion for extension of time is **DENIED** as moot.

Signed: June 28, 2019



Robert J. Conrad, Jr.
United States District Judge

